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5 Attorney for Defendant

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 ROBERT MARSHALL,

13 Defendant.

14 CASE NO. 2:19-CR-00270-JAD-BNW

15 **STIPULATION TO CONTINUE**
RESTITUTION HEARING

(SECOND REQUEST)

16 IT IS HEREBY STIPULATED AND AGREED, by Defendant ROBERT MARSHALL,
17 by and through his attorney, LANCE A. MANINGO (“MANINGO”), and the United States
18 of America, by and through JIM W. FANG, Assistant United States Attorney, that the
19 restitution hearing currently scheduled for March 27, 2023, at 11:00 a.m. be vacated and
20 continued a minimum of forty-five (45) days, to a date and time convenient for this Court.
21

22 This Stipulation is entered into for the following reasons:
23

- 24 1. On February 22, 2022, the Government produced restitution-related discovery
25 to the Defendant (via prior counsel, only);
26 2. On October 5, 2022, MANINGO substituted in as counsel of record for
27 Defendant;
28

3. In mid-October, 2022, MANINGO was provided prior counsel's file, but the
1 restitution-related discovery was not included therein;
4. On November 17, 2022, MANINGO emailed the Government asking if there
2 was any previously produced restitution-related discovery;
5. Due to the Government's misunderstanding of Defendant's inquiry, the
3 Government did not acknowledge the February 22, 2022 production and did not
4 provide Defendant the restitution-related exhibits, resulting in neither party
5 being aware that MANINGO was not in possession of full discovery;
6. On January 4, 2023, this Court heard sentencing arguments, set a restitution
7 hearing, and ordered the Government to provide, not later than February 3,
8 2023, Defendant with all witnesses and exhibits to be used at the time of
9 hearing;
7. On February 3, 2023 the Government provided restitution-related exhibits, as
15 previously ordered by the Court, to Defendant in anticipation of the February
16 15, 2023 restitution hearing;
8. Upon review, MANINGO confirmed these restitution-related exhibits were not
17 previously provided by prior defense counsel or the Government;
9. These restitution-related exhibits are voluminous and have taken significant
18 time to review and analyze;
10. Defendant has retained and/or consulted with a forensic accountant and/or other
19 related experts relative to these restitution-related exhibits;
11. Defendant requires additional time to prepare for the upcoming hearing;
12. Defendant is out of custody and does not object to a continuance;
13. The Government does not object to a continuance;

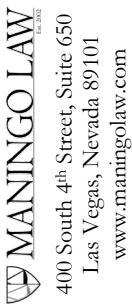
14. The denial of this request for a continuance could result in a miscarriage of justice; and

15. This is the second request for a continuance of the restitution hearing in this case.

RESPECTFULLY SUBMITTED this 22nd day of March, 2023.

By: /s/ Lance A. Maningo
LANCE A. MANINGO
Attorney for Defendant

By: /s/ Jim W. Fang
JIM W. FANG
Attorney for United States



UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT MARSHALL,

Defendant.

CASE NO. 2:19-CR-00270-JAD-BNW

FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore,
the Court finds that:

This Stipulation is entered into for the following reasons:

1. On February 22, 2022, the Government produced restitution-related discovery to the Defendant (via prior counsel, only);
2. On October 5, 2022, MANINGO substituted in as counsel of record for Defendant;
3. In mid-October, 2022, MANINGO was provided prior counsel's file, but the restitution-related discovery was not included therein;
4. On November 17, 2022, MANINGO emailed the Government asking if there was any previously produced restitution-related discovery;
5. Due to the Government's misunderstanding of Defendant's inquiry, the Government did not acknowledge the February 22, 2022 production and did not provide Defendant the restitution-related exhibits, resulting in neither party being aware that the current counsel was not in possession of full discovery;

6. On January 4, 2023, this Court heard sentencing arguments, set a restitution
1 hearing, and ordered the Government to provide, not later than February 3,
2 2023, Defendant with all witnesses and exhibits to be used at the time of
3 hearing;
- 4
5. On February 3, 2023 the Government provided restitution-related exhibits, as
6 previously ordered by the Court, to Defendant in anticipation of the February
7 15, 2023 restitution hearing;
- 8
9. Upon review, MANINGO confirmed these restitution-related exhibits were not
10 previously provided by prior defense counsel or the Government;
- 11
12. These restitution-related exhibits are voluminous and have taken significant
13 time to review and analyze;
- 14
15. Defendant has retained and/or consulted with a forensic accountant and/or other
16 related experts relative to these restitution-related exhibits;
- 17
18. Defendant will require additional time to prepare for the upcoming hearing;
- 19
20. Defendant is out of custody and does not object to a continuance;
- 21
22. The Government does not object to a continuance;
- 23
24. The denial of this request for a continuance could result in a miscarriage of
25 justice; and
- 26
27. This is the second request for a continuance of the restitution hearing in this
28 case.

CONCLUSIONS OF LAW

The ends of justice are served by granting the requested continuance.

28
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ORDER

1
2 IT IS THEREFORE ORDERED that restitution hearing in this matter
3 currently scheduled for March 27, 2023 at 11:00 a.m. be vacated and continued to **May 17,**
4 **2023, at 10:00 a.m.**

5 DATED this 22nd day of March, 2023.
6

7
8 
9 UNITED STATES DISTRICT COURT JUDGE

10 Respectfully submitted by:
11

12  **MANINGO LAW**
EST. 2002

13 By: /s/ Lance A. Maningo
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15 Nevada Bar No. 6405
16 400 South 4th Street, Suite 650
Las Vegas, Nevada 89101
Attorney for Defendant

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